

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DuWayne Wm. Otto,

Civ. No. 21-1610 (PAM/ECW)

Plaintiff,

v.

MEMORANDUM AND ORDER

Barbara Schmitt, Mary
Karl, and Minnesota
Department of Corrections,

Defendants.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Elizabeth Cowan Wright dated April 13, 2022. (Docket No. 29.) The R&R recommends granting Defendant Barbara Schmitt’s Motion to Dismiss Plaintiff DuWayne Wm. Otto’s claims against her. Otto did not file any objections to the R&R, and the time to do so has passed. D. Minn. L.R. 72.2(b)(1).

This Court must review de novo any portion of an R&R to which specific objections are made; in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b)(3); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The R&R concluded that Otto’s claims, if any, arose as of December 2012, and thus are untimely under the relevant statute of limitations. (See R&R at 8 (citing Minn. Stat. § 541.05, subd. 1(5)).) Whether reviewed de novo or for clear error, this conclusion is undoubtedly correct.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The R&R (Docket No. 29) is **ADOPTED**; and
2. Defendant Barbara Schmitt's Motion to Dismiss (Docket No. 18) is **GRANTED**; and
3. This matter is **DISMISSED with prejudice**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 11, 2022

s/Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge